

ESTTA Tracking number: **ESTTA479025**

Filing date: **06/20/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Jewelers Vigilance Committee
Granted to Date of previous extension	06/20/2012
Address	25 W. 45th Street Suite 1406 New York, NY 10036 UNITED STATES

Correspondence information	Jewelers Vigilance Committee Feldman Law Group, PC 25 W. 45th Street Suite 1406 New York, NY 10036 UNITED STATES nupur@feldman-law.com Phone: 2125328585
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### Applicant Information

Application No	85416478	Publication date	02/21/2012
Opposition Filing Date	06/20/2012	Opposition Period Ends	06/20/2012
Applicant	Stuller, Inc. 302 Rue Louis XIV Lafayette, LA 70508 UNITED STATES		

### Goods/Services Affected by Opposition

Class 014. All goods and services in the class are opposed, namely: Jewelry
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### Grounds for Opposition

The mark is merely descriptive	Trademark Act section 2(e)(1)
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Attachments	Notice of Opposition 06.20.2012.pdf ( 5 pages )(392615 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/s/Nupur Shah/s/
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Name	Jewelers Vigilance Committee
Date	06/20/2012

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<b>Jewelers Vigilance Committee,</b>	:	
	:	
<b>Opposer,</b>	:	<b>Serial No. 85/416,478</b>
<b>v.</b>	:	
	:	<b>Mark: PRECIOUS BOND</b>
<b>Stuller, Inc.</b>	:	
	:	<b>Opposition No. _____</b>
<b>Applicant.</b>	:	
	:	

The Jewelers Vigilance Committee (hereinafter “Opposer” and/or “JVC”), a company duly organized and existing under the laws of the State of New York and having a place of business at 25 West 45<sup>th</sup> Street, New York, New York, 10036 believes that its members are or will be damaged by the registration of the mark Serial No. 85/416,478 for the mark **PRECIOUS BOND** (“Opposed Mark”), filed in connection with jewelry, in International Class 14, and published on February 21, 2012. Opposer hereby opposes the same under Sections 2(e)(1) of the Trademark Act (15 U.S.C. § 1051 et seq.).

1. JVC is a non-profit trade association formed in 1912 and incorporated in 1917. It has approximately 1,100 member organizations in the U.S., representing about 9,000 business locations, including manufacturers, suppliers, wholesalers, distributors and retailers of jewelry, precious metals and gemstones. JVC has acted as the jewelry industry's guardian of standards, ethics, and integrity.

1

deception and misrepresentation, and the promotion of fair dealing in the jewelry industry. JVC is widely recognized for its role in mediating disputes and providing legal compliance information to the jewelry industry and to consumers.

3. As a protector of the jewelry industry, JVC seeks to maintain the accuracy in advertising and marketing of all jewelry items composed of all precious materials and gemstones, including gold, silver, platinum, and other precious metals.

4. The labeling and marketing of jewelry, precious metals and gemstones is highly regulated so that customers are not confused or deceived. JVC ensures its members' compliance with the Federal Trade Commission ("FTC") guidelines regarding jewelry, precious metals and gemstones.

5. JVC constantly monitors the jewelry industry for compliance. When a pattern or practice of non-compliance is detected, JVC takes action against the non-compliance.

6. JVC also reviews trademark applications and submits challenges to the Trademark Trial and Appeal Board (TTAB) when a mark or application conflicts with the interests of the jewelry industry and its customers are likely to be misled by confusing or deceptive jewelry terms.

7. JVC has successfully initiated opposition and cancellation proceedings before the TTAB and has stopped registration or cancelled registered marks which are generic, merely descriptive, deceptively misdescriptive or deceptive.

8. The word "precious" is used in the jewelry industry to indicate certain rare metals or gemstones. A precious metal is a naturally occurring metallic chemical element of high economic value. Precious metals include gold, silver, platinum, palladium, and other platinum group metals.

9. The products marketed under Applicant's Opposed Mark are various rings made with mixed precious metals.

10. Applicant has not filed any disclaimer of the word "precious" apart from the Opposed Mark as shown.

**COUNT I: MERELY DESCRIPTIVE MARK**

11. Opposer hereby incorporates by reference the allegations in Paragraphs 1-10 hereof as if fully set forth herein.

12. The Opposed Mark is merely descriptive of Applicant's applied-for goods, namely jewelry containing mixed precious metals.

13. The term "precious" is merely descriptive because it describes the type of metal used in Applicant's goods.

14. The Opposed Mark is merely descriptive as used in connection with jewelry containing mixed precious metals and cannot function to identify or become distinctive of Applicant's products within the meaning of the Trademark Act.

15. Applicant must disclaim the descriptive wording "precious" apart from the mark as shown because it merely describes an ingredient, quality, characteristic, function, feature, purpose, or use of the Applicant's goods. *See* 15 U.S.C. §§1052(e)(1), 1056(a); *In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005); *In re Gyulay*, 820 F.2d 1216, 1217-18, 3 USPQ2d 1009, 1010 (Fed. Cir. 1987); TMEP §§1213, 1213.03(a). This word should be widely available, without restriction, to all industry members. Allowing the registration without the disclaimer might restrict use of the word "precious," which is generic, and is a term widely used in the industry.

16. Applicant is not entitled to Federal registration of its alleged mark for jewelry containing mixed precious metals, and registration of the Opposed Mark without a disclaimer of the word "precious" should be refused under Section 2(e)(1) of the Trademark Act (15 U.S.C. § 1052(e)(1)).

**PRAYER FOR RELIEF**


WHEREFORE, Opposer prays that the Opposition be sustained and that application Serial No. 85/416,478 for the Opposed Mark be denied registration on the basis that Applicant's mark is merely descriptive of Applicant's goods.

Opposer hereby appoints the law firm of Feldman Law Group, P.C. to act as attorneys for Opposer herein, with full power to prosecute said opposition, to transact all relevant business in connection with said opposition and to receive all official communications in connection with this opposition.

Please charge any pertinent fees to Deposit Account No. 06-0515.

**Dated:** June 20, 2012

Respectfully submitted,  
FELDMAN LAW GROUP, P.C.

By:   
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Stephen E. Feldman  
Kalpana Nagampalli  
Nupur Shah  
220 E 42<sup>nd</sup> Street, Suite 3304  
New York, NY 10017  
Tel. (212) 532-8585  
Fax. (212) 532-8598  
*Attorneys for Opposer*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 20<sup>th</sup> day of June 2012, a true and correct copy of the foregoing  
NOTICE OF OPPOSITION was duly sent by first class mail to:

R. Bennett Ford  
Roy Kiesel Ford Doody & Thurmon  
9100 Bluebonnet Centre Blvd Ste 100  
Baton Rouge, LA 70809

Stuller, Inc.  
302 Rue Louis XIV  
Lafayette, Louisiana 70508



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Nupur Shah

**FELDMAN LAW GROUP, P.C.**  
*Attorneys for Opposer*  
220 East 42<sup>nd</sup> Street  
New York, NY 10017  
Tel. (212) 532-8585